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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,306

09/23/2003

Tatsuya Imai

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10/17/2006

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

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ALEXANDRIA, VA 22314

EXAMINER

CHAI, LONGBIT

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,306

Applicant(s)

IMAI, TATSUYA

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is acknowledged.

The application is filed on 9/23/2003 but has a foreign priority application filed on 9/24/2002.

Information Disclosure Statement

The information disclosure statement filed 3/29/2006 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10, 21 and 22 are rejected under 35 U.S.C. 101 because these claims are directed to (or claimed as) a computer program (or software, per se), which is an example of functional descriptive material, per se, and is nonstatutory under 35 USC 101. By not limiting the computer program to being stored on a computer readable medium, there is a lack of the required functional and structural interrelationship between the software and the computer readable medium that permits the functionality of the software to be realized upon access by a processor. This ability is what underlies the ability to provide a practical application. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106 (IV.B).1(a). Besides, the device / apparatus, as recited in the claim, is merely considered as an intended use.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 10 and 11 are indefinite because the claim language "A computer program that is used for a management device" is not clear as to whether the computer program is at the management device or this computer program that performs the specific functions is located somewhere else and therefore it is not certain what exactly the Applicant is referred to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 8, 10 – 12, 15, 19 and 21 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gecht et al. (U.S. Patent 6,859,832).

As per claim 1, 10 – 12 and 21 – 24, Gecht teaches a management mediating device: comprising:

management system communication means for making a connection to a management system outside a fire wall from inside the fire wall (Gecht : Abstract / Line 10 – 15 and Column 8 Line 12 – 18), and receiving a command from the management system (Gecht : Figure 1 & 8, Column 10 Line 23 – 45);

processing means for performing a process in accordance with the received command (Gecht : Column 10 Line 23 – 45 and Column 5 Line 18 – 25);

management object system communication means for transferring the command to a management object system (Gecht : Column 10 Line 38 – 45);

storing means for storing a connection schedule of the management system communication means (Gecht : Column 5 Line 22 – 25, Column 5 Line 58 – 60 and Column 12 Line 56 – 59: requested print job can include a schedule); and

instructing means for, in accordance with the connection schedule, instructing the management system communication means to make a connection to the management system (Gecht : Column 3 Line 30 – 32 and Column 5 Line 18 – 21: the polling device may periodically poll the spooling server is considered as periodically start the connection to the management device at the polling / connection start interval).

As per claim 4 and 15, Gecht teaches the processing means has a schedule changing function of changing the connection schedule stored in the storing means in accordance with the command (Gecht : Column 12 Line 56 – 59).

As per claim 8 and 19, Gecht teaches when the command is a schedule requiring command, the processing means reads the connection schedule from the storing means, and causes the management system communication means to provide the connection schedule to the management system (Gecht : Column 5 Line 58 – 60 and

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Figure 9: The print job may include the schedule and the requested print job is communicated between the management device and the polling device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 – 3 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Takahashi et al. (U.S. Patent 6,424,429), and in view of Reichman et al. (U.S. Patent 6,535,716).

As per claim 2 and 13, Gecht teaches making a connection to the management system at a specific time (Gecht : Column 5 Line 22 – 25). However, Gecht does not disclose expressly (1) making a connection to the management system at a specified date and time.

Takahashi teaches:

(1) an instruction of making a connection to the management system at a specified date and time (Takahashi : Column 5 Line 40 – 46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Takahashi within the system of Gecht because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Takahashi teaches providing a flexible scheduling mechanism to deliver the data resource from the internet based on the user desired schedules (Takahashi : Column 5 Line 40 – 46).

Gecht in view of Takahashi teaches:

(2) an instruction of making a connection to the management system at a specified time every day (Takahashi : Column 5 Line 40 – 46: the specific date / time is selected based on the user's desired schedules, which evidently covers any range of year, month and day as presented by a calendar and as such scheduling at a specific time everyday is thus feasible as taught by Takahashi);

(3) an instruction of making a connection to the management system at a specified date and time every month (Takahashi : Column 5 Line 40 – 46: See the same rationale as set forth in rejecting item-(2));

(4) an instruction of making a connection to the management system in a specified period at intervals of a specified value (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Takahashi : Column 5 Line 40 – 46: the specific date / time, as taught by Takahashi, is selected based on the user's desired schedules, which evidently covers any range of a specific period (year/month/day) as presented by a calendar);

(5) an instruction of making a connection to the management system in a specified period at intervals of a specified value every day (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Takahashi : Column 5 Line 40 – 46: See the same rationale as set forth in rejecting item-(2)).

However, Gecht in view of Takahashi does not disclose expressly (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period.

Reichman teaches (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time and thereby, Examiner notes “an indefinite period” is interpreted as an unexpected long period of time – for example, when the end date / time (year/month/day) is configured as 2106 / month / day).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reichman within the system of Gecht as modified because (a) Gecht as modified teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Reichman teaches providing a flexible scheduling mechanism to deliver the data resource from the satellite network that can yield optional bandwidth on demand features to remote terminals (Reichman : Column 2 Line 28 – 32 and Column 9 Line 14 – 21).

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6. Claims 2 – 3 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Fujisawa (U.S. Patent 2002/0059176), and in view of Reichman et al. (U.S. Patent 6,535,716).

As per claim 2 and 13, Gecht teaches making a connection to the management system at a specific time (Gecht : Column 5 Line 22 – 25). However, Gecht does not disclose expressly (1) making a connection to the management system at a specified date and time.

Fujisawa teaches:

(1) an instruction of making a connection to the management system at a specified date and time (Fujisawa : Para [0151] Line 7 – 12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fujisawa within the system of Gecht because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Fujisawa teaches providing a flexible scheduling mechanism to deliver the data resource from the internet based on the user desired schedules (Fujisawa : Para [0007] and [0151]).

Gecht in view of Fujisawa teaches:

(2) an instruction of making a connection to the management system at a specified time every day (Fujisawa : Para [0151] Line 7 – 12: the specific date / time is selected based on the user's desired schedules, which evidently covers any range of

year, month and day as presented by a calendar and as such scheduling at a specific time everyday is thus feasible as taught by Fujisawa);

(3) an instruction of making a connection to the management system at a specified date and time every month (Fujisawa : Para [0151] Line 7 – 12: See the same rationale as set forth in rejecting item-(2));

(4) an instruction of making a connection to the management system in a specified period at intervals of a specified value (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Fujisawa : Para [0151] Line 7 – 12: the specific date / time, as taught by Fujisawa, is selected based on the user's desired schedules, which evidently covers any range of a specific period (year/month/day) as presented by a calendar);

(5) an instruction of making a connection to the management system in a specified period at intervals of a specified value every day (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Fujisawa : Para [0151] Line 7 – 12: See the same rationale as set forth in rejecting item-(2)).

However, Gecht in view of Fujisawa does not disclose expressly (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period.

Reichman teaches (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time and thereby, Examiner notes "an indefinite period" is interpreted as

an unexpected long period of time – for example, when the end date / time (year/month/day) is configured as 2106 / month / day).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reichman within the system of Gecht as modified because (a) Gecht as modified teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Reichman teaches providing a flexible scheduling mechanism to deliver the data resource from the satellite network that can yield optional bandwidth on demand features to remote terminals (Reichman : Column 2 Line 28 – 32 and Column 9 Line 14 – 21).

As per claim 3 and 14, the claim limitations are met as the same reasons as that set forth in the paragraph above regarding to claim 2 and 13 with the exception of the features (3) when only the start date and time is specified, and a month of the start date and time is not specified, an instruction of making a connection to the management system at the start date and time every month (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time, as taught by Reichman, and therefore, Examiner notes when a month of the start date and time is not specified, the situation is considered as the month is ignored with unknown value and thus only the day / time would be executed regardless in every month); (5) See the same rationale of rejection as (3). (6) when the start date and time and the value of the interval are specified, and the end date and time is not specified, an instruction of

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making a connection to the management system from the start date and time for an indefinite period (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time, as taught by Reichman, and therefore, Examiner notes "an indefinite period" is interpreted as an unexpected long period of time – for example, when the end date / time (year/month/day) is configured as an unknown value).

7. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832).

As per claim 5 and 16, Gecht teaches adding an additional connection schedule to the connection schedule stored in the storing means, the additional connection schedule being attached to the schedule adding command (Gecht : Column 12 Line 56 – 59: It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gecht's reference to accommodate adding an additional connection schedule because Gecht teaches dynamically adjustable scheduled polling interval based on the traffic or requests for files (Gecht : Column 12 Line 56 – 59).

8. Claims 6 – 7 and 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Barrett et al. (U.S. Patent 2001/0056485).

As per claim 6 and 17, Gecht does not disclose expressly the connection schedule is constituted by a plurality of unit schedules, and an identifier is attached to each of the unit schedule, when the command is a schedule deleting command, the processing means searches the storing means to find the unit schedule corresponding to the identifier attached to the schedule deleting command, and deletes the found unit schedule.

Barrett teaches the connection schedule is constituted by a plurality of unit schedules and an identifier is attached to each of the unit schedule (Barrett : Para [0019] Line 17 – 23 and [0049]: the dynamic scheduling is used to identify the target samples – i.e. each target sample has its own identified individual dynamic schedule), when the command is a schedule deleting command, the processing means searches the storing means to find the unit schedule corresponding to the identifier attached to the schedule deleting command, and deletes the found unit schedule (Barrett : Para [0019] Line 17 – 23 and [0049]: It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Barrett's reference to accommodate deleting an existing connection schedule because Barrett teaches dynamically adjustable scheduler).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Barrett within the system of Gecht because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Barrett teaches providing a flexible and

dynamic scheduling mechanism for providing efficient data collection and efficient scheduling of data collection (Barrett : Para [0011] and [0049]).

As per claim 7 and 18, Gecht does not disclose expressly the command is an all schedule changing command, the processing means extracts an Internet address attached to the all schedule changing command, causes the management system communication means to obtain a new connection schedule existing at the Internet address, and replaces the connection schedule stored in the storing means with the new connection schedule.

Barrett teaches the command is an all schedule changing command (Barrett : Para [0019] Line 17 – 23 and [0049]: the dynamic scheduling is used to identify the target samples – i.e. each target sample has its own identified individual dynamic schedule and therefore, Examiner notes a connection schedule is constituted by a plurality of unit schedules associated with a plurality of target samples), the processing means extracts an Internet address attached to the all schedule changing command, causes the management system communication means to obtain a new connection schedule existing at the Internet address, and replaces the connection schedule stored in the storing means with the new connection schedule (Barrett : Para [0044] Last Sentence and Para [0039] Last Sentence : the schedule is downloaded from the internet and therefore, an internet address must be used for downloading process). See same rationale of combination applied herein as above in rejecting the claim 6.

9. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Anderson et al. (U.S. Patent 2002/0194307).

As per claim 9 and 20, Gecht does not disclose expressly the management system communication means has a SOAP processing function of making communication with the management system based on SOAP.

Anderson teaches the management system communication means has a SOAP processing function of making communication with the management system based on SOAP (Anderson : Para [0064] and Para [0031]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Anderson within the system of Gecht because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Anderson teaches providing a simple object access protocol (SOAP) between the mobile print server and the printer (Anderson : Para [0011] and [0049]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LBC

Longbit Chai
Examiner
Art Unit 2131


10/12/2006